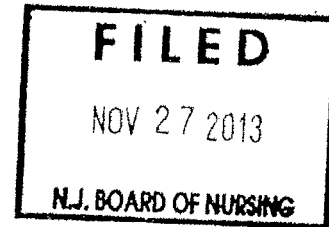


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
TARA LEIBOWITZ, LPN	:	ORDER OF SUSPENSION
License #26NE01196300	:	OF LICENSE
	:	
TO PRACTICE NURSING IN	:	
THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information indicating the following:

1. Tara Leibowitz ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey and has been a licensee at all relevant times. (Exhibit A).
2. Respondent entered into a private letter agreement with the Board on or about July 22, 2009. The agreement required, in part, that Respondent enroll in the Board's designated

intervention program, the Recovery and Monitoring Program of the Institute for Nursing ("RAMP"), to undergo evaluation and monitoring, including random urine screens. The agreement, which was to remain private and confidential unless and until the Board received reliable information that Respondent had violated any term, was to have the force and effect of a Board Order within the intendment of N.J.A.C. 13:45C-1.4. (Exhibit B).

3. In 2010, Respondent stopped participating with RAMP although she had not successfully completed the program and had not been released from the program. (Exhibit C).

4. Respondent last renewed her New Jersey license to practice nursing on May 14, 2009, which license expired on May 31, 2011. Respondent failed to renew her license on or around May 31, 2011. (Exhibit A). Pursuant to N.J.S.A. 45:1-7.1, any professional license not renewed within 30 days of its expiration date shall be suspended without a hearing. As such, Respondent's nursing license was administratively suspended as of June 30, 2011.

5. In March 2013, Respondent contacted RAMP and RAMP recommended that she resume participation with RAMP and work toward successful completion of the program. (Exhibit C). Since March 2013, Respondent failed to sign and return an

updated RAMP monitoring contract, failed to activate the online monitoring account with requires daily check-ins and schedules random urine screens, failed to undergo any random urine screens, and failed to attend peer support meetings. (Exhibit C).

6. By letter dated June 24, 2013, RAMP notified the Board that Respondent had failed to become compliant with her private letter agreement and failed to resume participation with RAMP. (Exhibit D).

7. Unbeknownst to the Board members, in April 2013 Respondent submitted an application to reinstate her lapsed license. (Pertinent portions attached as Exhibit E). On her application, Respondent did not disclose that she had been sanctioned by an employer related to the practice of nursing (by being suspended and terminated after her nursing employer reported to the Board theft or loss of controlled dangerous substances attributable to Respondent), that she had a medical condition impacting her ability to practice for which she was receiving ongoing treatment, that she was participating in a monitoring program, or that she had engaged in illegal use of controlled dangerous substances within the last two years. Instead, Respondent submitted an application which raised no

issues and indicated that Respondent had been terminated from her nursing employment because she had been in a car accident and was physically unable to work. As no issues were raised by Respondent's application, her license was administratively reinstated on July 17, 2013.

8. RAMP did not support the reinstatement of Respondent's license to practice and cannot assure the Board or the public that Respondent is safe to practice. (Exhibit C).

9. On or about October 8, 2013, a communication was sent to Respondent at her address of record by overnight and regular mail, advising Respondent that the Board had received information indicating that she was not in compliance with the private letter agreement and with her agreement with RAMP. Respondent was further advised to provide the Board with proof of any inaccuracy in that information within two weeks. (Exhibit E). No written response was received.

10. The private letter agreement signed by Respondent provided for automatic suspension of Respondent's nursing license upon receipt of reliable information indicating that Respondent had violated any term of the private letter agreement. The agreement states that Respondent may, upon notice to the Board, request a hearing to contest her automatic

suspension; however, at any such hearing, the sole issue shall be whether any of the information received regarding Respondent's violation of the agreement was materially false. The Board also reserved the right to bring further disciplinary action. (Exhibit B).

11. Respondent's departure from RAMP before successfully completing the program and before being released from the program, as well as her failure to resume participation, violates the private letter agreement and constitutes a violation of N.J.A.C. 13:45C-1.4, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e), and automatic suspension of her license as provided in the private letter agreement.

12. By failing to disclose on her reinstatement application that she had been sanctioned by an employer related to the practice of nursing, Respondent has engaged in the use or employment of dishonesty, deception or misrepresentation within the intendment of N.J.S.A. 45:1-21(b).

ACCORDINGLY, IT IS on this 27th day of Nov., 2013,
HEREBY ORDERED that:

1. Respondent's license to practice nursing in the State of New Jersey shall be and hereby is suspended for her violation

of the terms of the private letter agreement as set forth above, which is a violation of a Board Order within the intendment of N.J.A.C. 13:45C-1.4 and N.J.S.A. 45:1-21(e).

2. Respondent may, under the terms of the private letter agreement, request a hearing, upon notice, on the sole issue of whether information received that Respondent has failed to comply with the terms of the private letter agreement was materially false.

3. In the event that Respondent seeks reinstatement of her New Jersey nursing license at any future time, the Board shall not entertain any application for reinstatement without a demonstration by Respondent that she is fit and competent to practice, in full compliance with the terms and conditions of the private letter agreement and with any agreement with RAMP, that RAMP supports her reinstatement, and until Respondent answers the allegation that she failed to disclose on her April 2013 reinstatement application that a nursing employer had sanctioned her.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy, PhD, APRN, FAAN
Patricia Murphy, PhD, APN
Board President